

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-24 are pending in the prior application. New claims 25-32 have been added via this amendment.

Rejections Under 35 U.S.C. §103(a)

Claims 1-24 have been rejected in the Office Action of 8/5/03 under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 5,479,488 to Lennig et al. in view of U.S. Pat. No. 6,029,124 to Gillick et al. and U.S. Pat. No. 5,475,733 to Eisdorfer et al. In view of claims as presently amended, applicant respectfully traverses this rejection.

Independent claims 1, 7, 13, 19 have been amended (and new claim 25 added) to more clearly claim the invention in the context of an automatic call distributor. Support for routing of calls based upon the identity of the caller or the number called may be found on page 1, lines 27-29. In this regard, "While skill based methods for routing calls are commonly found in modern ACD systems, there is no known analogous development of a language based method of routing calls" (specification, page 2, lines 3-5).

New claims 25-32 have also been added to further clarify the scope of the invention. Support for the determination of language based upon information associated with the call may be found at numerous locations throughout the specification (e.g., page 5, lines 3-22).

In addition, call distribution in a call distribution system is accomplished in a fundamentally different

environment than the process of sending calls to operators in a directory assistance application. For example, in a directory assistance system, each operator receives the same training and has access to the same directory information. In contrast, agents of automatic call distributors are typically trained in a number of different disciplines. Calls within an automatic call distributor may be distributed based upon the skill and training of the agents of the automatic call distributor.

In order to achieve his/her assigned task, a directory assistant has only to retrieve a telephone number in response to a request. In contrast, an agent of an ACD operates in a much more complex environment that ranges from answering insurance questions to selling ginzu knives, to entering data into a database. Because of the differences in training and equipment used in the two different environments, the process of assigning calls to agents of an automatic call distributor occurs in a fundamentally different manner. Further, these differences would be abundantly clear to those of skill in the art.

In addition, Lennig et al. only sends the calls to an operator in the case where the system cannot identify the call destination (Lennig et al. (Response of 6/9/03, page 5). Further, Lennig et al. functions to avoid routing calls to operators (Response of 6/9/03, page 5). Since Lennig et al. operates in a fundamentally different manner, any rejection based upon Lennig et al. (or the combination of Lennig et al., Gillick et al. and Eisdorfer et al.) would now be improper.

Further, Gillick et al. is merely directed to speech recognition and Eisdorfer et al. to identification of language for assignment of a text to speech translator for

a deaf person. Since none of the cited references recognize the precise problem solved by the claimed invention, there would be no reason to combine the Lennig et al., Gillick et al. and Eisdorfer et al. in the manner suggested by the Examiner.

In the Office Action of 8/5/03, the Examiner asserts that "As per claims 6 and 12, Gillick teaches multiple language stored samples (col. 19, lines 35-40)". However, claims 6 and 12 are limited to "a voice response unit having a plurality of storage language scripts". The existence of a memory with multiple language stored scripts is not the same as, or equivalent to, a voice response unit. At most, Gillick et al. teaches voice recognition. However, a voice response unit is able to do far more than simply voice recognition. Since Gillick et al. (and Lennig et al. and Eisdorfer et al.) are not capable of providing the functionality of a voice response unit, the rejection of claims 6 and 12 are believed to be improper and should be withdrawn.

In the Office Action of 8/5/03, the Examiner asserts that "As per claims 15 and 21, Lennig et al teaches recognizing the user as a repeat customer and accessing information about the repeat user (col. 4, lines 47-49, wherein the stored information about the customer implies a repeat user, and - col. 5 lines 10-14, and the language (col. 5 lines 5-10))". However, the repeat user referred to by the Examiner is simply a subscriber of the telecommunication system 10. In contrast, claims 15 and 21 have now been amended to make clear that the customer is a customer of the automatic call distributor, not a subscriber of a connected telecommunication system. Since Lennig et al. and Gillick et al. and Eisdorfer et al. fail

to provide any teaching in this regard, any rejection would now be improper.

In the Office Action of 8/5/03, the Examiner asserts that "As per claims 16 and 22, Lennig et al teaches storing an associated name of the user (col. 4, lines 45-50, referring back to col. 3 lines 49-53". However, the associated name referred to by the Examiner is a simply a name of a subscriber of the telecommunication system 10. In contrast, claims 16 and 22 have now been amended to make clear that the name is of a customer of the automatic call distributor, not a subscriber of a connected telecommunication system. Since Lennig et al. and Gillick et al. and Eisdorfer et al. fail to provide any teaching in this regard, any rejection would now be improper.

In the Office Action of 8/5/03, the Examiner asserts that "As per claims 17 and 23, Lennig et al teaches marketing information with the customer (col. 4, lines 55-60 - Lennig et al teaches billing data, which monitors usage and sales numbers - which is component of marketing data". However, the information referred to by the Examiner is simply subscriber data of the telecommunication system 10. In contrast, claims 17 and 23 have now been amended to make clear that the marketing information is of a customer of the automatic call distributor, not subscriber information of a connected telecommunication system. Since Lennig et al. and Gillick et al. and Eisdorfer et al. fail to provide any teaching in this regard, any rejection would now be improper.

In the Office Action of 8/5/03, the Examiner asserts that "As per claims 18 and 24, Lennig et al teaches determining based on localities (col. 10, line 63 - col. 11 line 4)". However, the locality referred to by the

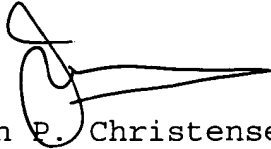
Examiner is a simply a destination locality for a directory assisted call. In contrast, claims 18 and 24 have now been amended to make clear that the locality is a locality of a database used by the automatic call distributor, not a destination locality of a directory assisted call. Since Lennig et al. and Gillick et al. and Eisdorfer et al. fail to provide any teaching in this regard, any rejection would now be improper.

Closing Remarks

Allowance of claims 1-32, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
WELSH & KATZ, LTD.

By 
Jon P. Christensen
Registration No. 34,137

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500